

Needham Housing Plan Working Group Meeting

Thursday December 8, 2022 7:15 p.m.

Virtual Meeting using Zoom

Meeting ID: 811 9113 9515 (Instructions for accessing below)

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- I. Welcome (Jeanne McKnight)
- II. Approval of Minutes from October 27, 2022 Working Group Meeting
- III. Debriefing on Community Meeting (Natasha Espada)
- IV. Plan Revisions to be Discussed (Jeanne McKnight)
- V. Next Steps (Lee Newman)
- VI. Other Business
- VII. Adjournment

Housing Plan Working Group Membership

Natasha Espada	Planning Board, Co-Chair	Helen Gregory	Council on Aging
Jeanne McKnight	Planning Board, Co-Chair	Oscar Mertz	Citizen At Large
Emily Cooper	Citizen At Large	Marcus Nelson	Select Board
Ed Cosgrove	Board of Health	Michael O'Brien	School Committee
Carol Fachetti	Finance Committee	Ed Scheideler	Housing Authority
Heidi Frail	Select Board	Rhonda Spector	Citizen At Large

NEEDHAM HOUSING PLAN WORKING GROUP * MINUTES * October 27, 2022

7:20 p.m. A meeting of the Needham Housing Plan Working Group was convened by Jeanne McKnight, Co-Chair, as a virtual Zoom Meeting. Ms. McKnight announced this open meeting is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020 due to the current state of emergency from the outbreak of the COVID-19 virus. She said all supporting documents used at this meeting are available on a special section of the Town's website at https://www.needhamma.gov/housingplan2021. Present were Jeanne McKnight and Natasha Espada representing the Planning Board, Heidi Frail and Marcus Nelson from the Select Board, Michael O'Brien from the School Committee, Helen Gregory from the Council on Aging, Ed Cosgrove from the Board of Health as well as Emily Cooper and Oscar Mertz as Citizens At Large. Also present were Director of Planning and Community Development Lee Newman, Assistant Town Planner Alexandra Clee, and Community Housing Specialist Karen Sunnarborg.

Welcome and Introductions – Ms. McKnight, Co-Chair of the Housing Plan Working Group, offered a welcome and conducted a roll call of Working Group members who were then present, mentioning that additional members will be brought into the meeting as they become available to join.

As in previous meetings, Ms. McKnight indicated that public comments will not be entertained as part of this meeting, but there will be other opportunities for community input as part of the planning process and written comments were encouraged.

Approval of Meeting Minutes

Motion: Ms. Frail moved that the Minutes from the September 29, 2022 meeting be approved. The motion was seconded by Mr. Cosgrove. Approved: Unanimous 6-0 with an abstention from Emily Cooper as she was not present at the meeting.

Discussion of November 16, 2022 Community Meeting Preparations – Following approval of the minutes, the agenda moved on to a discussion of the logistics for the Community Meeting to present the draft Housing Plan on November 16, 2022. Ms. McKnight indicated that the meeting will be held in Powers Hall at 7:00 p.m. but can also be attended virtually through Zoom. She also suggested that the PowerPoint presentation that was used for the November 11th joint meeting of the Select Board and Planning Board could also be available for the community meeting and asked members if they would like to see any changes. She also inquired as to whether the same members will make presentations of the same slides. Following some discussion, it was decided that Ms. McKnight will cover the first few introductory slides, Mr. Mertz will review the zoning strategies

with Ms. Cooper doing the housing development and preservation slides, and Ms. Espada those on capacity building.

Ms. Cooper asked about the amount of time allotted to each presenter. Ms. McKnight indicated that it has been useful to provide specific information on how the Town expects to comply with the MBTA Communities Guidelines and expected that about the same amount of time that was used in the Select Board and Planning Board meeting would be needed. Ms. Frail suggested providing less detail on recommendations and identifying the broader approach to compliance. She added that participants can refer to the website for more detail, and the meeting needs to make sure there is more time for questions and comments.

Mr. Mertz asked if there was going to be time reserved for questions and answers for the MBTA Communities Guidelines. Ms. Frail suggested that there needs to be a question-and-answer period dedicated to the entire draft instead of just MBTA Guidelines compliance. Ms. McKnight proposed that members respond to questions involving some clarification but refrain from entering into debates on an issue and getting into too much detail. Mr. Cosgrove added that participants will have been able to see the draft Housing Plan online that might help them prepare for questions to raise at the meeting. Ms. Frail suggested that zoning recommendations would likely provide a greater likelihood of "getting into the weeds" on detail while the other recommendations are broader.

Ms. McKnight asked about outreach for the meeting. Ms. Sunnarborg said that the same process that was used for the other community activities will be applied here, and an upcoming meeting with Cynthia Roy Gonzalez will review respective roles in outreach.

Discussion of Revised Draft Housing Plan – Ms. Cooper suggested that this meeting include a review of the draft recommendations with a potential vote on each one. She indicated that there are specific recommendations that she does not currently support, and the Working Group should have something on the record as to where members stood on the individual actions. She added that if she was going to present proposed strategies, she wanted those actions fully vetted by the members.

Ms. McKnight agreed and suggested using the roadmap to review each proposed strategy. She also said that she had received some questions regarding the usefulness of the column regarding partners and advocates on the roadmap, including some controversy over including Equal Justice Needham as it is not an official non-profit organization or Town committee. She proposed eliminating that column and added that the column on lead entity likely needed more thought. Moreover, the column on prerequisites or resources might refer to specific persons in some cases. Ms. Frail agreed that there were some problems in the column regarding partners and advocates and also suggested eliminating it as a solution, to which Ms. Cooper concurred. Mr. Mertz indicated that the League of Women

Voters is preparing comments on the draft Housing Plan and suggested that implementation of the Plan will need broad and diverse community input, however, acknowledged that including the list of specific partners and advocates might be challenging at present. Ms. Frail stated that the groups will likely be fine with not being listed on the roadmap but might instead be included under the community education strategy, although it is likely that some entity will inevitably be left out so it is perhaps best not to include a listing.

Ms. McKnight recommended that the discussion proceed in a similar manner as the Town Meeting consent calendar with members raising questions or comments as the specific strategies are mentioned.

In regard to the MBTA Communities Guidelines, Ms. McKnight mentioned that it was necessary to change the projected number of acres involved in the rezoning. Mr. Cosgrove suggested separating the proposal for revisiting parking requirements, particularly given the Town's current work on a parking study which should be referenced. The Select Board should be the lead entity for this. Ms. Frail also suggested that all the maps should be referenced and included in the appendices. Ms. McKnight also indicated that recent changes to the Guidelines regarding the inclusion of affordable units will require further review.

In regard to inclusionary zoning, Ms. Cooper suggested that payments in-lieu of affordable units should apply to all areas of town as opposed to projects with less than six units. Mr. Mertz stated that such mandatory fees might be too burdensome on small projects. Ms. McKnight indicated that we want actual units as opposed to payments and thus fees have not been included as an option for larger projects. Ms. Frail suggested including language that mentions some consideration for implementing fees on a broader basis.

Ms. McKnight indicated that the rezoning in compliance with the MBTA Guidelines must occur before the end of 2024, but zoning modifications of the ADU bylaw could move more quickly. Ms. Cooper asked about allowing ADUs in detached structures and suggested that the recommendations remove the reference to egress through the main house which should be required only when the ADU is included in the primary dwelling unit.

In regard to promoting greater energy efficiencies in housing, Ms. Frail mentioned that the Town has hired a consultant to support the work of the Climate Action Plan Committee, and it will be important to make sure to update the draft and include language that recommendations will follow the completion of the Climate Action Plan.

Ms. Frail also suggested the possible need to restudy the strategy on considering options for development in appropriate locations as there may be a need to be more specific in the recommendations with a possible Working Group to be appointed for further study.

In regard to the strategy of better controlling teardown activity, Mr. Cosgrove suggested including the Conservation Commission as a lead entity.

On the recommendations for further study, Ms. Frail indicated that she was torn about including allowing two-family homes in all residential districts. Ms. Cooper indicated that all zoning-related items for further study could be removed, however, Ms. Espada expressed an interest in keeping them for future consideration to which Mr. Mertz agreed.

Ms. Cooper led the discussion on the recommended Housing Development and Preservation Strategies. She suggested that the reference to promoting assisted living options should be removed from the programs addressing health and safety issues and moved to the one involved special needs housing. She also proposed adding language involving continued or expanded funding for the Small Repair Grant Program and Safety at Home Program. Ms. Frail recommended adding the Council on Aging to the lead entities.

Mr. Nelson asked about the strategy regarding the leverage of local resources and questioned whether the 22% level of CPA funding was sufficient. Mr. Mertz indicated that housing has been underfunded in the past, and perhaps the Plan should recommend an allocation of 1/3 for each of the use categories. Ms. McKnight added that the Community Preservation Committee has been supporting NHA activities for years. Ms. Cooper suggested that the language be changed to "at least" a 22% commitment of CPA funds for housing which received member support.

In regard to promoting housing for special needs populations, Ms. Cooper indicated that she had made some suggested changes including a reference to assisted living options. She stated that the changes that are being suggested as part of the roadmap should also be reflected in the narrative, which Ms. Sunnarborg affirmed was the case.

Ms. Cooper observed that the meeting with the Select Board did not demonstrate an endorsement for affordable housing in any future plans. Ms. Frail indicated that the Plan should include a reference to further study of future uses by the Select Board, and offered that the Select Board was not ready to commit to any particular use at this time. Ms. Cooper added that this does not preclude the Working Group from recommending the use of affordable housing as part of the Plan. Ms. McKnight suggested a change in language from Stephen Palmer Building to building/site.

Ms. Cooper indicated that the strategy on a property inventory includes too much language and the reference to a Request for Proposals should be removed. Ms. McKnight said that the Select Board should be added as a lead entity, and Mr. Nelson concurred that both the Select Board and Planning Board should be listed.

Ms. McKnight stated that permitting fees are part of special permit and building permit applications, which could be reduced based on some recognized contribution to the public good. She added that she was unaware of how building permit fees were set and suggested that this question be referred to Ms. Newman. Ms. Espada emphasized the need to make permitting of affordable housing development as easy as possible.

Ms. Cooper indicated that the strategy on transfer taxes did not come from the subgroup. Ms. McKnight said that many Cape Cod towns are exploring transfer tax fees to help finance affordable housing, and Nantucket has passed such legislation. There is a current state legislative bill that is proposed to offer such transfer tax fees to cities and towns throughout the state. Ms. Cooper asked whether the Select Board would support such a measure. Mr. Mertz said the proposed legislation would leave it to the discretion of the municipality to require a ½% to 2% fee on the sale of high-end properties, and several towns have filed home rule petitions ahead of this legislation. Ms. Cooper said it was an interesting concept, but it will ultimately increase the cost of housing. Mr. Foster, the Chair of the Needham Housing Authority, offered to send more information on the issue and provided some additional background on proposed legislation, also indicating that there are similar bills pending regarding changes to CPA to allow a larger state match for affordable housing.

In regard to the strategy on property tax reduction options, Ms. Cooper observed that there were some words missing in the draft and added that both Newton and Sudbury had made some changes to their programs. She then provided some background on how tax deferral programs work. Ms. McKnight added that these programs not only help seniors but persons with disabilities as well, and there are tax abatement programs in addition to deferral ones for qualified individuals.

Ms. Espada assumed the lead in the review of capacity building strategies, asserting that many of these strategies were broader in nature compared to others in the Plan. In regard to monitoring targeted production goals, Mr. Mertz requested that the meeting return to this topic given some recent changes to the goals that were included in the Housing Needs Assessment.

In regard to the strategy on project impacts, Mr. O'Brien indicated that the School Master Plan projects changes over a 12 to 20- year period, and the School Committee will unlikely go to Town Meeting for funding for a while as it is still assessing future project costs.

It was suggested that more information should be provided in the strategies related to boosting local and regional collaboration for housing, including more specific language regarding the Affordable Housing Trust. Ms. Espada asked how the Housing Trust was organized to which Ms. McKnight offered some background. In turn, Ms. Espada asked if it was possible to change the representation on the

Trust. Mr. Mertz responded that the Working Group had been talking about reconstituting the entity including providing more funding and taking on more responsibilities. Mr. Foster said that the Housing Plan is missing a big piece regarding implementation, and he will be sending more information to the Working Group on how the Housing Trust can be more effective. Ms. Espada indicated that NUARI is confronting the same questions, what is working or not working and how to fix it. Ms. McKnight suggested that this issue needs further study concerning the restructuring of the Housing Trust and sources of funding.

In regard to the strategy concerning local preference, Ms. McKnight mentioned that it was necessary to add a reference to those with children attending local schools to those who qualify to receive local preference. Ms. Cooper referred to the Greater Boston Housing Report Card, that is annually prepared for The Boston Foundation, which recommended that such preferences be dropped. She acknowledged that this is a tricky issue as it is important that local workers have an opportunity to live in town. She suggested inserting language that relates to "exploring" the impact of local preference.

The discussion then returned to the targeted housing production goals included in the Housing Needs Assessment. Ms. Sunnarborg provided a brief explanation of the new calculations in the table, mentioning that there was more detail on income levels and a distribution by projected number of units based on the 436 affordable units needed to surpass the 10% affordability threshold under Chapter 40B, assuming all units are in fact affordable, Mr. Mertz expressed his appreciation for the increased detail but suggested the need for still further detail. Mr. Foster indicated it was a good start, but there may be additional ways to target goals. He also mentioned that the NHA had some additional targets that are included in the draft. Ms. Cooper added that she hoped that the 80% AMI and lower income range also addresses housing at the 50% and 30% AMI levels.

Ms. McKnight indicated that the roadmap does not include the specific zoning recommendations related to the MBTA Communities Guidelines and asked for more specific feedback. Mr. Cosgrove suggested that the recommended changes from SRA to SRB zoning on Hunting Road, Clark Road, and Rolling Lane for example, should be eliminated as it might over complicate Town Meeting approvals. Mr. Mertz indicated that perhaps the MBTA Communities rezoning is enough on its own to present to Town Meeting. Ms. McKnight replied that the zoning in these small areas would create new lots. Ms. Frail offered that it was unnecessary to obtain approval of all useful zoning changes at the same time and it instead stage certain items for further consideration.

Ms. Cooper brought up the issue of timeframes for the Plan. Ms. McKnight indicated that the MBTA Communities rezoning must be done by the end of 2024. Mr. Mertz suggested that the near term should be 1 to 2 years and include the approval of changes to the ADU bylaw. Mr. Foster interjected that ADUs were the lowest hanging fruit. Ms. Cooper added that inclusionary zoning changes to 12½%

townwide also represented some low hanging fruit. Ms. Espada agreed and said that providing greater clarity on timeframes for the Planning Board is helpful. Ms. McKnight expressed the importance of taking a forward-looking view in planning for the future. Mr. Mertz agreed that it was important for the Town to see a vision for the future that will guide Town priorities with respect to housing.

9:38 p.m. Motion: Ms. Espada moved that the meeting be adjourned. The motion was seconded by Mr. Mertz. Unanimous: 9-0.

Needham Housing Plan Community Meeting Summary November 16, 2022

The Town of Needham, through its Housing Plan Working Group, held a community meeting on Wednesday, November 16, 2022 to present the draft Housing Plan and obtain input from local leaders, housing stakeholders, and community residents on the draft. This meeting was held at 7:00 p.m. in Powers Hall at 1471 Highland Avenue but attendance was also available virtually through Zoom.

After a welcome and introductions of Working Group members and staff by Jeanne McKnight, the Cochair of the Housing Plan Working Group and representative of the Planning Board. Ms. McKnight began a PowerPoint presentation on the draft Housing Plan that initially focused on key components of the planning process, the affordable housing units that are part of the Subsidized Housing Inventory (SHI), principles established to guide the Town's future housing agenda, and priority housing needs identified as part of the Housing Needs Assessment, a major component of the Housing Plan. Ms. McKnight then introduced other members of the Working Group who presented the recommended strategies that were included in the Housing Plan to address the priority housing needs including Oscar Mertz, Citizen At Large member of the Working Group, on zoning strategies; Emily Cooper, also Citizen At Large member, for housing development and preservation strategies; and Natasha Espada, Working Group Co-Chair from the Planning Board, on capacity building strategies.

Ms. McKnight then opened the meeting for questions and comments. John Bulian asked if the Housing Plan included any estimates of the housing units to be created on an annual basis and how that housing growth can be translated into total population increases and ultimately to increases in school costs. He also opposed waiving permit fees for affordable housing units, based again on Town cost considerations. He emphasized the need to understand the impact of these costs on those who live in Needham, particularly seniors. He suggested that there needs to be some balance between producing housing and the potential for forcing residents out of community. Mr. Bulian also indicated that he would not support strict constraints on teardown activity but suggested looking at current zoning opportunities including the pursuit of greater energy efficiencies. In response to his question regarding future housing production estimates; Karen Sunnarborg, the Town's Housing Specialist, indicated that the Housing Plan targets a housing production goal of 436 affordable units over the long-term to reach the 10% affordability goal under Chapter 40B, assuming all units meet state affordability requirements as opposed to including market rate rental units. Ms. McKnight added that the MBTA Communities Guidelines require that the Town create by-right multi-family zoning to accommodate 15% of the Town's total housing units or 1,784 units.

Carol Patey, President of Needham's League of Women Voters, presented their comments on the Housing Plan. These comments were supportive of the recommended directions for compliance with the MBTA Communities Guidelines, inclusionary zoning to a 12½% level of required affordability for development projects on a townwide basis, rethinking the roles and responsibilities of the Affordable Housing Trust, broadening the requirements for created Accessory Dwelling Units (ADUs), promoting greater energy efficiencies in housing, and revisiting zoning with respect to teardown activity that would include a review of regulations in other towns. She also expressed the League's support of at least a 22% allocation of CPA funds for housing, the Needham Housing Authority's Preservation and Redevelopment Initiative (PRI),

more housing for people with disabilities, and maximizing the reuse of the Stephen Palmer Building for affordable housing. She added that the Town should hire an Affordable Housing Specialist and annually measure progress with respect to the implementation of the Housing Plan.

Laura Dorfman, Chair of the Town's Historical Commission, mentioned that the Town has a demolition delay bylaw of six months for historically significant buildings and that she would be happy to discuss opportunities to change the bylaw to make it more effective. Such changes might include extending the period of delay and types of properties that might be covered.

Artie Crocker expressed his concerns regarding tree preservation and how the Town can better control greenspace. He also asked if the Town can require affordable housing units that can be counted in the SHI. He was told that this was definitely the case, and Ms. McKnight added that the MBTA Communities Guidelines restrict affordability requirements to 10% of new units to be produced unless the Town obtains DHCD approval of a feasibility study documenting that a higher percentage of affordability is feasible. Mr. Crocker asked about potential financial reimbursement from the state on by-right zoning, and Ms. McKnight answered that he might be referring to Chapter 40R Smart Growth Overlay Districts which include financial incentives and are included in the Housing Plan for further study.

Moe Handel suggested that the Town's most complex and important housing issue involves how to preserve the community's starter housing that is being eroded by the gentrification that is occurring due to teardown activity. He also recommended that the Town maintain local preference as part of lotteries for new affordable housing as it helps build community.

Polly Dickerman stressed the significant need for more housing in Needham, including affordable housing. She suggested that many residents who moved into Needham years ago could not have afforded a market affordable home for \$800,000 unless they have generational wealth or a very high-paying job. She also expressed concerns about implementation including the issue of staff and organizational structure. She indicated that the Housing Plan does a good job at defining need but must make sure that there is an entity in place to implement recommendations.

Stephen Frail, Chair of the Town's Climate Action Plan Committee, mentioned that only a small number of Accessory Dwelling Units (ADUs) have been permitted and that the Town could use more to increase housing diversity. He added that previously living in Jamaica Plan offered an example of how greater housing diversity can bring increased vibrancy to business areas but also expressed the need for safeguards to ensure that existing businesses are not driven out by new multi-family housing development. Ms. McKnight responded that while the MBTA Communities Guidelines require by-right approval of multi-family housing, Working Group recommendations have removed Needham's downtown from the rezoning recommendations to maintain the requirement of mixed-use development with commercial uses on the first floor.

Robert Smart indicated that he had been on the Planning Board for years and has been involved in a number of multi-family development projects in town. He suggested that parking requirements are too strict and should be reduced to 1.5 spaces per unit to 1.0 to reduce project costs and encourage more development.

Jan Soma, from Progressive Needham, indicated her support for all the strategies included in the draft Housing Plan, including those listed for further study. She offered that the Housing Plan demonstrates the need to not only support housing for low- and moderate-income households but to also help others remain in the community for as long as possible. Ms. Soma recommended that the Town support bills to approve a real estate transfer tax on high-end sales that can provide an important financial resource for affordable housing.

Holly Charbonnier expressed appreciation for the outreach that was conducted as part of the planning process and indicated the need for continued resident input as the Town moves towards implementation. She pointed out the need to analyze impacts of new development, including traffic and tree removal, and mentioned that the Town of Lexington requires a traffic study for every proposed development. She also recommended that developers meet with abutters and that the Design Review Board encourage public comment.

Jackie Shephard cited the example of the Highland Park Neighborhood Coalition in Roxbury that involves an area that has had a legacy of poverty in which her daughter currently lives. She said that residents in this area strategize on how they can move to places like Needham. She suggested that the Town share the regional responsibility of providing more affordable housing options for such households.

Jim Flanagan recommended that the Housing Plan focus more on transfer tax fees that could become a major resource for funding affordable housing through the Affordable Housing Trust. He suggested that teardown activity will continue unless there is significant legislative support for such new funding. He also proposed greater shared responsibility for supporting affordable housing across the community, asking each precinct how it can contribute to new affordable housing opportunities. He further indicated that the bungalow or cottage concept might be a consideration for new senior housing development in Needham.

Artie Crocker asked how the 80% and 20% targets of affordable housing production for rental versus ownership were determined. Ms. Sunnarborg suggested that estimates were based on the documentation distilled in the Housing Needs Assessments as well as other considerations such as the fact that almost all state and federal resources for financing affordable housing are directed to rentals. Such financing allows the Town to better leverage its limited resources and reach some greater scale to address unmet needs. The MBTA Communities Guidelines that require rezoning for by-right multi-family housing will also be more amenable to rental development. Ms. McKnight pointed out that zoning does not allow communities to dictate the tenure of any development.

Adam Block, Chair of the Planning Board, cited the role of the Planning Board in implementing multiple zoning action items included in the Housing Plan. He pointed out that it will be important to have an understanding of the impacts of any new zoning that can be passed on to Town Meeting. He also indicated the work of the Climate Action Plan Committee and Town Parking Study should lead the way to promoting greater energy efficiencies and parking requirement reductions to make development more sustainable and feasible. He agreed with the focus of promoting mixed-use development along Needham's commercial spine as well as smaller housing units, such as ADUs.

Ms. McKnight then asked members of the Working Group if they wished to make any comments. Rhonda Spector, Citizen At Large, thanked everyone for their helpful comments; and Michael O'Brien, representing the School Committee, said it had been important to hear from the community throughout the planning process, offering an inclusive representation of views. Heidi Frail, member of the Select Board, also expressed her appreciation for this evening's comments and mentioned that there will be many more opportunities for residents to get involved as the Town moves forward in implementing the Housing Plan. Carol Fachetti, representing the Finance Committee, stated that the Housing Plan has

involved a lot of work but this is just the beginning as there will be much more to do in implementation. Marcus Nelson, a Select Board member, emphasized the need for continued transparency during the implementation process with a focus on not only local impacts but regional outcomes as well.

Needham Housing Plan Housing Plan Working Group Meeting December 8, 2022 List of Comments for Discussion

Most of the comments that the Working Group has received have been largely supportive of the recommendations included in the Housing Plan or involve some format changes or rewording. The following comments represent those that weigh-in on particular strategies as added points of emphasis or new proposals which have not yet been fully vetted by the Working Group and require some further deliberation. In some cases, the comments were addressed as noted, and no further response seems to be necessary. In other cases, questions are posed in bold as to what response to make:

Housing Plan Working Group Meeting - October 27, 2022

- 1. In regard to inclusionary zoning, Ms. Cooper suggested that payments in-lieu of affordable units should apply to all areas of town as opposed to projects with less than six units. Mr. Mertz stated that such mandatory fees might be too burdensome for small projects. Ms. McKnight indicated that we want actual units as opposed to payments and thus fees have not been included as an option for larger projects. Ms. Frail suggested including language that mentions some consideration for implementing fees on a broader basis. Should we keep as is with affordable units required for projects of 6 or more units and proportionate fees for projects of 3-6 units?
- 2. There was a discussion on whether to include the rezoning of other areas beyond those directed in the MBTA Communities Guidelines. Mr. Cosgrove suggested that the recommended changes from SRA to SRB zoning on Hunting Road, Clark Road, and Rolling Lane for example, should be eliminated as it might over complicate Town Meeting approvals. Mr. Mertz indicated that perhaps the MBTA Communities rezoning is enough on its own to present to Town Meeting. Ms. McKnight replied that the zoning in these small areas would create new lots. Ms. Frail offered that it was unnecessary to obtain approval of all useful zoning changes at the same time and instead stage certain zoning items for further consideration. This proposed rezoning is described in Section IV.A.1. (Comply with MBTA Communities Guidelines) under the heading "Other Zoning changes not specific to Transit Station Districts noted above". The Implementation Roadmap doesn't mention this proposal at all. Should this recommendation be kept in the Housing Plan and renumbered under a new heading, and added to the 5th strategy under zoning in the Roadmap regarding considering options for promoting development in appropriate locations?
- 3. It was suggested that more information should be provided related to boosting local and regional collaboration for housing, including more specific language regarding the Affordable Housing Trust. (Note for consideration: It has been more recently suggested that we include language saying that further input is expected from the Needham Housing Authority and League of Women Voters on the Housing Trust. Also, a special Affordable Housing Trust meeting will be scheduled early in the year to discuss the

- recommendations in the Housing Plan.) The role of the Affordable Housing Trust is addressed in Section IV.C. Capacity Building Strategies. Should we revise this section?
- 4. One member mentioned being torn about the inclusion of allowing two-family dwellings in all residential areas. This strategy is identified as needing further study should it remain or be deleted?
- 5. There was some concern raised about including a recommendation related to transfer tax fees, noting that the strategy was not vetted by the Housing Development and Preservation Subgroup. This strategy is identified as needing further study should it remain or be deleted?

Community Meeting – November 16, 2022

- 6. John Bulian, a former Select Board member, raised concerns regarding impacts of new development with a suggestion to provide estimates of the housing units to be created on an annual basis and how that housing growth can be translated into total population increases and ultimately to increases in school costs. Response: The Housing Plan, Section IV.C.3. calls for identifying impacts of housing proposals, recommending proactive studies, including updating the School Master Plan, which is now underway.
- 7. Mr. Bulian also spoke in opposition to any stricter zoning restrictions on teardown activity but said he does support requiring greater energy efficiencies in new construction. The Housing Plan calls for consideration of options to better control teardowns as a medium-term initiative should any option be deleted?
- 8. Laura Dorfman, Chair of the Town's Historical Commission mentioned that the Town has a demolition delay bylaw of 6 months, and she welcomes discussion of opportunities to change the by-law to make it more effective. Response: The Housing Plan includes demolition delay as an initiative for consideration in the medium term, among other ideas to better control teardowns.
- 9. Planning Board member Artie Crocker spoke in support of tree preservation and requiring green space in new developments. Response: The Housing Plan includes a tree removal by-law as an initiative for consideration in the medium term, among other ideas to better control teardowns.
- 10. Opposition was expressed to considering waiving permit fees based on cost considerations. Not clear who made this statement. This strategy is identified as something to consider in the medium term should it be retained or deleted?
- 11. Moe Handel, a former Select Board member, expressed concern about teardown activity eroding the Town's starter housing opportunities. Response: The Housing Plan calls for consideration of options to better control teardowns as a medium-term initiative.
- 12. Moe Handel also spoke in opposition to reducing local preference for new affordable housing. The Housing Plan calls for exploring reduction of local preference under

Further Study/Capacity Building as a medium-term item. Should it be studied? Deleted? – note item 21 below where further study is recommended.

- 13. Paula Dickerman expressed concerns about implementation make sure that there is an entity in place to implement recommendations. Response: The Housing Plan calls for revisiting the roles, responsibilities, and membership of the Affordable Housing Trust as a medium-term initiative.
- 14. Carol Patey, President of the Needham League of Women Voters, presented a memo supportive of many recommendations in the draft Housing Plan, noting support for an expanded role of the Affordable Housing Trust and for staff support for the AHT.
- 15. Robert Smart, former Planning Board member, spoke in support of reducing parking requirements for multi-family housing from 1.5 spaces per unit to 1.0 to lower project costs and encourage more development in appropriate areas. Response: The Housing Plan calls for support and participation in the Select Board's parking study and consideration of adjusting parking ratios for mixed-use and multi-family projects that are within ½ mile of transit stations as a near term initiative.
- 16. Jan Soma, noting her membership in Progressive Needham, said that the Town should advocate for state legislation allowing property transfer tax fees to provide an important resource for financing affordable housing. Response: The Housing Plan includes support for such legislation as a longer-term initiative.
- 17. Holly Charbonnier pointed out the need to analyze impacts of new development, including traffic and tree removal, noting that a traffic study should be required for each new development. Should the Housing Plan be reviewed to make sure the need to study impacts at appropriate stages is explained and appropriately emphasized? See Item 24 below where the same question is posed.
- 18. Holly Charbonnier also recommended that developers meet with abutters and that the Design Review Board should include and encourage public comment at its meetings. Should we address the role of the Design Review Board?

Select Board Meeting – October 11, 2022

- 19. Select Board member Matthew Borelli expressed concern about the minimum lot size of 20,000 square feet that applies in the Apartment A-1 zone. At 20,000 sq. ft., 8 units could be built; at 10,000 sq. ft. 4 units could be built. We would need to consider options for an inclusionary zoning payment for multi-family developments of fewer than 6 units. Should the minimum lot size for MF development in areas where Apartment A-1 dimensional standards are to be used be reduced to 10,000 square feet?
- 20. Mr. Borelli said he is hesitant to support liberalizing our ADU by-law; also hesitant about stronger regulations of teardowns. **Should we make any change in our proposals?**

- 21. Select Board member Marianne Cooley expressed support for reducing our current 70% local preference for the opportunity to rent or buy an affordable unit, saying this should be addressed in the short term (the Housing Plan lists studying this as a medium-term initiative); she noted, however that it is important for those who work in Needham to be included in local preference, as they are now. **Should we change this item from medium term to short term action?**
- 22. Ms. Cooley also noted that future plans for the Stephen Palmer Building have yet to be determined, but she did not speak in opposition to the proposed rezoning of this site for Apartment A-1. Should we keep this site in the area proposed for rezoning to Apartment A-1 or leave it zoned Single Residence B as presently zoned?
- 23. Avery Newton, who serves with the five Select Board members as the sixth member of the Town's Affordable Housing Trust, expressed support for a tree-removal by-law, a stronger demolition delay by-law and creating a historic district in order to reduce teardowns that involve waste of resources. Response: The Housing Plan does recommend study of these ideas.

Planning Board Meeting - December 5, 2022

- 24. Chair Adam Block, who also serves on the Town's Council of Economic Advisors, said that the Housing Plan should report on the anticipated impacts of its recommendations on municipal resources. Discussion ensued among Planning Board members and staff noting that impact studies will be done in connection with the rezoning process called for by some of the initiatives and will be done in connection with particular development projects as part of site plan review. It was also noted that the School Department is now undertaking a master plan. Should the Housing Plan be reviewed to make sure the need to study impacts at appropriate stages is explained and appropriately emphasized?
- 25. Mr. Block also noted that greater residential density makes a more vibrant downtown. He wants to make sure that the Housing Plan doesn't disallow mixed use, and he was assured that the existing provisions for mixed-use development will be preserved. He suggested that, in the Business District along Highland Avenue between May Street and Rosemary Street, 4-story mixed-use should be allowed, with commercial use on the first floor and housing on the upper 3 floors, similar to what is allowed in the Chestnut Street Business district. The Housing Plan now recommends that stand-alone multi-family housing be allowed by right at a 3-story height limit (same as Apartment A-1 dimensions) in this district. Should the Housing Plan address this mixed-use idea for this area?

Holly Clarke memo 11/23/22

- 26. The Town should draft site plan review standards for MBTA rezoning that will incorporate the standards for major site plan review/special permit projects. (Note for consideration: A recent comment suggested revisiting these standards.) Should we include a section on site plan review with regard to multi-family housing allowed by right in order to comply with MBTA Guidelines, and what the standards and considerations should be, or simply say that such standards and considerations should be studied and presented as zoning by-law amendments at the same time as MBTA-compliant rezonings are proposed?
- 27. Zoning should explicitly state that mitigation may be ordered to remedy a development's negative consequences; require Town infrastructure (such as sidewalks, curbs and street capacity) be included as a part of site plan review; require the consideration of nearby homes and buildings; or provide for traffic management plans and make them subject to review even after a project is built. Such ideas can be considered when a site plan review process and standards are studied for multi-family projects that are allowed by right.

Robert Smart email (page references are to the Zoning By-law; responses are in italics)

- 28. Multi-family use is not allowed in the Business District, is not allowed for post-1982 structures in the CSB and CB Districts, is allowed only by special permit in pre-1982 structures in the CSB and CB Districts, and is allowed only by special permit in the ASB and HAB districts (page 36). Allowing more units of-right in these districts could be considered. The Housing Plan does call for allowing multi-family housing by right in the Chestnut Street (CSB) district and the Hillside Avenue Business (HAB) district. The Housing Plan does not call for allowing stand-alone multi-family housing in the Central Business (CB) district or the Avery Square Business (ASB) districts, but would continue to allow mixed-use housing, and calls for study of increasing height and story limits in some locations in these districts.
- 29. Developments with 5, 6 or more dwelling units require a special permit in several overlay districts (pages 80, 86, 94). Allowing more units of right could be considered. *By-right multi-family housing is proposed, to comply with MBTA Communities Act and Guidelines.*
- 30. The section on dimensional regulations for apartment districts (page 150-151) and the section on required parking (pages 176-178) do not address parking requirements for multifamily use at all (except see subsection 21 on page 178). The group may want to consider establishing a more comprehensive, in one place, regulation regarding parking requirements for multifamily uses across all districts where the same is allowed. *Parking requirements for multi-family housing will be reconsidered*.
- 31. The prevailing standard is 1.5 parking spaces per unit (pages 82, 90, 94, 181) although in some instances this can be reduced for small affordable units to 1 space per unit (page 84). An across-the-board reduction to 1 space per unit could be considered. Generally, developers provide enough parking to make the units marketable, and prospective

- occupants who want to be able to park more than 1 car will simply go elsewhere for their housing.
- 32. The payment into a parking fund accommodation (pages 83, 85, 90) might be broadened to other districts. The ability of developments to use off-site parking is severely limited. Shared parking arrangements in the Needham Center Overlay District are allowed, but only by special permit (pages 85, 90) and possibly elsewhere (page 91). Off-site parking is generally limited to lots in the same ownership within 300 feet (page 180). Expansion of off-site parking opportunities could be considered. A walking tour and analysis of parking usage in the public and private lots in the downtown, done by Moe Handel more than ten years ago, showed that many private lots are under-utilized. I suspect that this under-utilization continues. There are at least two obstacles here. First, off-site parking usage is severely limited under the by-law. Second, private lot owners with multiple parking spaces in the downtown, and their tenants, are restricted by the terms of special permits granted to the owners and to the tenants, which in many cases require an excessive parking supply to be maintained, based on application of the parking requirements for the various uses under by-law section 5.1.2 and other applicable sections. *The Select Board has begun a parking study of the downtown area*.

Needham Housing Authority (NHA) memo from Chair Reg Foster

- 33. Recommends more relaxed changes to new zoning for ADUs, citing that state model zoning allows a maximum ADU size of 900 sq ft and 2 BRs. Should we recommend increase in size from 850 sq ft to 900 sq ft; from 1 BR limit to 2 BR limit?
- 34. Also, in regard to ADUs, consider changing the DRB involvement from required to optional, otherwise it could be a major impediment. If there is a legitimate concern, consider a process that is potentially not needed by the majority of cases such as empowering Dave Roche, at his discretion, to request a DRB review in hopefully rare and exceptional circumstances. Or maybe publish notice to neighbors within 100 ft, any of whom could request a DRB review. Should we consider site plan review by Planning Department staff instead of the Design Review Board (DRB)?
- 35. Allow ADUs in standalone accessory buildings by right. Many single-family residences have detached accessory buildings that might be very appropriate for an ADU. The Housing Plan proposes that ADU's in accessory buildings be allowed by special permit, and only for buildings that are in existence at the time of the zoning change should we revise?
- 36. Consider a more focused recommendation related to promoting greater energy efficiencies with three bullets, or one bullet with three major goals:
 - Promote greater energy efficiencies in existing structures
 - Incentivize the mitigation of all existing buildings (commercial, residential, NPO, Town, schools) to net zero sustainable energy usage.
 - By [2030], all new construction must be net zero. Is this a subject for this Housing Plan, or is it the work of the Town's new Climate Action Plan Committee?

- 37. Ultimately a zoning approach to controlling teardown activity doesn't work very well IMHO. Sellers and developers always find a way to get around the restrictions. Another approach which has been tried by other towns via their Affordable Housing Trust is:
 - Fund a revolving fund
 - * When a starter home comes on the market, the AHT buys the home at appraised FMR. (I. e. the seller is not penalized.)
 - The AHT fixes up the property, attaches a permanent affordability rider to the deed, and sells the property to the new income restricted owner. A portion of the original purchase price returns to the revolving fund.
 - Add additional funding to the revolving fund and repeat.

This is a fairly expensive way to preserve affordable starter homes, but it solves all the issues and works! (Note for consideration: This approach indeed can be a very expensive means of saving starter homes and producing affordable housing. Given such high housing costs in Needham, the per unit subsidy needed to support such efforts is too high unless you can create multiple units on a particular site and/or do rentals that might attract some other public financing, although such financing is limited for very small projects. Even the state Community Housing Initiative, a very good program for Needham to consider, requires some volume of units. An example is the Town of Wayland's recent project where they acquired a single-family house for \$450,000 intending to tear it down and build 2 units in its place. An abutter fought the project, won, and now the Town needs another \$400,000 to make the project work for a single home. At least one saving grace is that it will serve as a rental unit, managed by the Housing Authority. Still we're talking about more than \$800,000 for 1 unit. Another example is the Weston Housing Trust that acquired 2 properties and sunk \$600,000 per unit into converting them to affordability. Even the Yarmouth Affordable Housing Trust, which has had a very effective program, is putting the program on hold given projected per unit subsidy amounts estimated to climb to \$250,000.) Should the initiative on considering strategies for controlling teardowns should include some mention of this strategy, as an example?

- 38. Add initial shaded blocks showing who's the Lead Entity, Timeframe, etc. for strategies required further study. A Working Group member recommended eliminating them in a previous draft. Response: The Housing Plan does retain in its Implementation Roadmap a column for Lead Entity and Timeframe. What was eliminated was a column listing supporting entities such as local advocacy organizations/non-profits.
- 39. In regard to the strategy on strategically investing and leveraging local resources, is it really realistic to expect the Select Board and CPC to take the lead as it's not really at the core of either entity's mission. Reconsider? Though it does seem that the Select Board takes the initiative in proposing Town Meeting appropriations and the Community Preservation Committee (CPC) has a lead role in proposing Community Preservation Act (CPA) funding.
- 40. I suggest revamping this section into a much-expanded strategy to deploy and turbocharge the Needham Affordable Housing Trust.

- 1. On Housing Development and Preservation strategies for further consider, NHA recommended including the following: Support and champion the passage of the Public Housing Redevelopment Bill (H. 1417). It contains four important changes to Chapter 121B that will facilitate public housing redevelopment throughout the Commonwealth.
 - 1. While we're waiting for passage of H. 1417, support and champion a **Needham Home Rule Petition** which would allow the NHA to publicly procure the L-C construction manager/general contractor without the use of filed-sub bids (while leaving in place prevailing wage requirements.)
 - 2. While we're waiting for the passage of H. 1417, clarify that existing **Payment** in Lieu of Taxes (PILOT) provisions can be continued if Linden-Chambers were to be redeveloped through the federal LIHTC program.
- 2. Establish a new Low Income Tax Credit Program (LIHTC) Preference Given the current multiyear waitlist for LIHTC awards, this set-aside for preferential access would enable LHA's to "go to the head of the line" for public housing preservation and production projects.
- 3. Support and champion the passage of the proposed **Transfer Tax Bill (H. 1377 & S. 868)**, which would allow Needham to add property transfer tax to support affordable housing. We also seek a provision allowing funds be allocated to LHAs (i. e. in addition to the Town Housing Trust and CPA account) for the redevelopment and production of new deeply affordable units.
- 4. Support **higher annual state spending limits** for existing affordable housing initiatives and programs.
- 5. Sponsor changes to the Community Preservation Act that would (1) increase the allowable match from 3% to 3.6%; (2) increase the amount dedicated to affordable housing from 10% to 50%; and (3) permit the use of CPA funds to underwrite the operating costs of deeply affordable of units.
- 6. **Moving to Work Section 8 Vouchers** Promote an initiative for DHCD to allow use some of these Section 8 vouchers as part of a state public housing redevelopment projects that are creating additional units.
- 7. Sponsor and champion a bill to **enable an Insurance Risk Pool** for L-C When L-C is redeveloped, we'll lose eligibility for the current state public housing insurance risk pool, significantly increasing costs.
- 8. Support NHA re: zoning relief from the Town of Needham for (1) Linden-Chambers Redevelopment; (2) possibly greater density High Rock Homes redevelopment; and/or (3) designating Needham Junction as the locus of the new Needham "MBTA Communities" overlay district (so it would encompass Linden-Chambers and High Rock.)

The strategy on community education and outreach is another logical and natural responsibility of a proactive Needham Affordable Housing Trust. These would all need further study to be included in the Housing Plan – at this stage, should mention be made that a board or officer of the Town should be responsible for keeping up with proposed changes in state law and regulations? Should the Affordable Housing Trust be so charged?

Dear Members of the Housing Working Group:

I would like to thank the Housing Working Group for its work and to commend the process it used to encourage, receive and include public input throughout the past year. The Group provided multiple opportunities for residents to offer their insight through surveys, community meetings, public group meetings, and the publishing of a draft and receipt of comments before the issuance of the final report. The Group provides a model for how government entities can include the public in their work and accomplish their goals.

I appreciate the group's recognition that its report is a starting point for Needham and raises fundamental questions: How do we implement these recommendations? What do we want Needham to be and to look like? How do we get there? As we answer these questions, I hope other town boards and committees will follow this group's lead and strive to include public knowledge and input into its consideration early and throughout the process. Public involvement builds support, shares knowledge and expertise, and enhances the final project. Perhaps the Working Group's final report can include a suggestion for continuing its inclusive practices?

Enacting zoning changes to accomplish housing goals presents an opportunity to make systematic improvements in the permitting process. It creates the chance to explore best practices from other communities, as well as to incorporate lessons learned from Needham's experiences. The final report could recommend that we take advantage of this moment and improve the bylaws as we make the changes necessary to permit denser housing.

For example, the draft report and public comments acknowledged concerns about unintended consequences from creating increased multiple family housing, including the preservation of trees, expanding open space and the protection of the character of both individual neighborhoods and the town as a whole. Traffic is consistently a concern already raised by new development projects. The zoning bylaws can protect trees, require open space and address traffic challenges. For example, the bylaws might make explicit that mitigation may be ordered to remedy a development's negative consequences; require town infrastructure (such as sidewalks, curbs and street capacity) be included as a part of site plan review; require the consideration of nearby homes and buildings, or provide for traffic management plans and make them subject to review even after a project is built. The Planning Board certainly holds these powers now, but there is merit in making them explicit as a clear statement of Needham's objectives and the issues it will consider during permitting. The final report could recommend the consideration of zoning bylaw changes to address not only additional housing opportunities, but also its impacts.

The Group's Report could also recommend changes in the bylaws to include earlier and increased information sharing with the public as specific projects are proposed. The bylaws could create opportunities for the public to offer earlier input to the development process.

Provisions might require town meeting members be sent notices about projects, just as other towns notify their aldermen, a neighborhood meeting as a prerequisite to the start of the application process, and the inclusion of public participation at Design Review Board meetings conducting site plan reviews. As particular projects are proposed, earlier involvement of neighborhoods can discover concerns, address issues, and facilitate development.

Finally, assuming Needham elects to comply with the state law requiring MBTA area zoning changes for denser housing, the town should draft site plan review standards for MBTA area properties which will incorporate the standards currently for major site plan review/special permit projects. These changes would enable the town to comply with the state statute and exercise its ability to protect legitimate municipal interests.

Thank you for your efforts and for considering these comments.

Holly Clarke 1652 Central Avenue To: The Needham Housing Plan Working Group

I would like to add some additional thoughts to the comments I made at the HPWG Community Meeting on November 16.

My concern is that the Plan you so skillfully created will experience successful, yet only partial implementation, as did the excellent 2007 Plan. The challenge, as I see it, is resources – human, financial, and time. I urge you to add a high-priority section to the Plan suggesting that a housing entity be created to focus solely on housing issues and implementation of the action items in the Plan.

Possibilities include a fully funded and reconfigured Affordable Housing Trust and additional staff in the Economic Development Department focused solely on housing.

The Implementation Roadmap presents a clear and thoughtful listing of actions that would address the **urgent Priority Housing Needs** you put forth so convincingly in section IIIC of the 11.2.22 draft of the Plan.

Among the more time-consuming, yet extremely important, items on the list are these. (I've omitted some of the items that I suspect will indeed be accomplished, such as complying with the MBTA Communities law, broadening requirements for ADUs, and supporting the NHA PRI.)

- VI.A5 Consider options for promoting development in appropriate locations
- VI.A6 Consider options to better control teardown activity
- VI.Ac Explore options to establish a Chapter 40R "Smart Growth" Overlay District
- VI.B4 Promote housing for special needs populations
- VI.B6 Prepare an inventory of potential public and privately-owned development opportunities
- VI.C3 Identify impacts of housing proposals on Town resources that may result from housing initiatives
- VI.C4 Revisit the roles, responsibilities, and membership (and funding*) of the Affordable Housing Trust. * - my addition

As you know, the Implementation Roadmap identifies the Select Board and Planning Board as the Lead Entities on most of the items. From what I've observed of the many roles, responsibilities, and the broad and full agendas of our Select Board and Planning Board, I imagine that a number of important items on the Roadmap will not be addressed, simply for lack of time. Of course our experienced Economic Development staff will contribute significantly to the necessary work, but it is important to consider realistically how much time they can add to their current responsibilities.

While we all understand that changes like those suggested in the Plan will take time, it is imperative also to remember that – right now – many people who would like to live in Needham, and whom we would like to have as part of a diverse vibrant community, are unable to find housing that they can afford in our Town.

A new housing-focused entity would allow Needham to move forward and join with our surrounding cities and towns in creating a lively and dynamic region in the Commonwealth.

Thank you for your work and your consideration,

Paula Dickerman 20 Burnside Road Needham, MA 02494 From: Board Chairman

To: <u>Karen Sunnarborg; N. Espada; Jeanne McKnight; Lee Newman</u>
Cc: <u>Alexandra Clee; edscheideler@gmail.com; Steve Merritt</u>

Subject: Comments on 10/24/2022 Draft of Housing Plan and Appendix 6 Implementation Plan

Date: Thursday, November 3, 2022 6:58:22 PM

Attachments: Appendix 6 - Implementation Roadmap 2022-10-24 with RCF Comments.docx

Needham Housing Plan 2022 revised 10-24-22 clean + RCF Comments.docx

Hi All.

Ed Scheideler and I have had a chance to thoroughly review the Oct. 24th v2 draft of the Housing Plan and Appendix 6, released a couple of weeks ago. Great job, Karen!! Overall then Plan looking really good, and a great foundation for the November 16 Community Meeting.

Along the way, we've tweaked the NHA PRI-related sections to reflect the latest-and-greatest info and status (see attached). Of note:

- Last week the NHA Board approved the BH&A proposal as the winning bidder for A/E Designer Services Engagement for the Linden/Chambers redevelopment project.
- This 12-15 month project will produce a "shovel-ready" schematic design and construction phasing plan, and is being paid for in part by last Spring's CPA funding award by Town Meeting.
- As I write, the contract is being finalized and project kick-off is scheduled for later this month.

In going through other sections of the Plan, I've kept "track-changes" turned on as I noticed typos, word-smithing suggestions, table formatting improvements, possible thinkos and cross-reference glitches, as well as subsections which might not be understandable to the ordinary reader. I've also made suggestions for organization and formatting.

Outside the NHA sections, there're some refinements we suggest might be considered...to various strategy, recommendation and implementation-related sections. The most significant are:

- <u>Housing Production Goals</u> Building on the new paragraphs already in the v2 Plan, additional suggestions are provided on how specific year production goals could be set for various categories of housing needs. These production targets could be an important tool for measuring progress over the next 10 years.
- <u>Further ADU Bylaw Adjustments</u> In addition to the changes already recommended in the Plan, we suggest a few more tweaks could be considered by the HPWG. Specifically:
 - Expanding the maximum ADU living area from 850 to 900 sq. ft., and from a 1BR to a 2BR limit;
 - Consider allowing ADUs in detached accessory buildings by right, rather than special permit;
 - Change DRB involvement to a by-exception approach.
 - The above reflects a review of several other successful ADU bylaws of other comparable Massachusetts towns.
- <u>Starter Home Teardowns</u> Besides zoning bylaw changes to make make teardowns more difficult, should HPWG consider recommending/studying/piloting an approach

that's been used in other towns: for the NAHT to buy starter homes at FMV, fix them up, then resell them with perpetually affordable deed riders? This is an expensive but do-able solution that produces real results.

- Broaden the Section on Supporting State Initiatives Besides the references already in the v2 Plan to home rule petitions enabling an additional transfer tax and support NHA with forgoing filed sub-bids, I've added a number of other initiatives that are percolating at the State level, that we might consider supporting.
- <u>Implementation</u> For the next and near-final draft consider adding a narrative implementation section to support the Implementation Plan in Appendix 6. It'd contain strategies and recommendations on how the Housing Plan might be proactively and successfully implemented across the many Town boards, committees, departments and related entities (e. g. NHA, DHCD, Charles River Center, etc.) that have to work together to implement the Plan over the next 10 years.
- Turbocharge the Needham Affordable Housing Trust (NAHT) From 2006-2009, I was one of the founding trustees and co-chair of the Marion Affordable Housing Trust, serving for 3 years. I've experienced first hand what a powerful tool an AHT can be in addressing major housing challenges like the ones we're experiencing in Needham.

I've gathered relevant info from Mass. Housing Partnership and other sources, and have been working on a separate white paper on how the NAHT could play a major role in implementing the 2023 Needham Housing Plan recommendations and strategies, illustrated with actual success stories from 5-10 other Massachusetts town AHTs. I hope to have the draft of the white paper out for review by the end of this weekend.

In the attached files, you can clearly see all of the above by turning on the MS-Word facilities, showing markup and comments. I hope you all will find it all useful as we approach the finish line for this important effort.

Best,

Reg

Reginald C. Foster, Chair
Needham Housing Authority
Board of Commissioners
21 Highland Circle
Needham, MA 02494

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November 16, 2022

Ms. Natasha Espada, Co-Chair, Needham Housing Plan Working Group Ms. Jeanne McKnight, Co-Chair, Needham Housing Plan Working Group

Dear Ms. Espada and Ms. McKnight:

Thank you for the opportunity to comment on the Working Group's draft housing plan and for the in-depth work done to this point. We value the detail provided that describes the present housing circumstances in Needham. We also appreciate the wide-ranging ideas for improvements as shown in the implementation roadmap. At the state and national levels, past League of Women Voters studies of housing have resulted in a position to support access to decent housing and a suitable living environment affordable for all. As a local League, our past studies have resulted in positions to support:

- affordable housing;
- zoning in residential districts to prevent lots with minimal frontage and irregular shapes;
- meeting elderly needs in areas of moderate-income housing, health care, transportation, and companionship; and
- using the Stephen Palmer building and/or site for purposes such as rental housing that is affordable for seniors and others of moderate income, among other uses.

We are pleased with the working group's recommendations as they generally align with our positions. The plan's focus on increasing affordable housing options would allow those who work here to live here, enable residents to remain here as they age, and provide housing for individuals with special needs. In response to your draft, we present the following high-level comments based on the League positions listed above. [Note: numbers in brackets refer to the related item numbers in the implementation roadmap.]

- 1. **MBTA Communities guidelines** We support fully meeting the MBTA Communities Guidelines and appreciate the innovative thinking, e.g., rezoning for apartments in select spots. [IV.A.1a]
- Town-wide inclusionary zoning We support requiring all new housing or mixed-use developments of 6 or more units to provide 12.5% of their units as affordable units. [IV.A.2]
- 3. **Affordable Housing Trust Fund (AHTF)** We believe the AHTF is an important—and underutilized—resource. We propose restructuring the trust to enable the committee to take advantage of state programs and new legislation. Local options to increase funds should be considered, such as implementing a proportionate affordable housing fee payment to the AHTF for projects with fewer than 6 units. The Needham League of Women Voters is performing preliminary work in preparation for a League study on the AHTF over the next year. [IV.A.2]
- 4. Accessory dwelling units (ADUs) We support broadening the requirements for ADUs to remove family member/caretaker restrictions and allow occupancy of ADUs as rental property. Additionally, we encourage making detached ADUs also by right. We believe this allows the best option for increasing diversity in town. [IV.A.3]
- 5. **Energy efficiencies in housing** We fully support promoting greater energy efficiencies in housing through the Climate Action Plan Committee's efforts, including actions that

- might ease zoning and permitting requirements to incentivize energy-efficient and environmentally sustainable housing development. [IV.A.4]
- 6. **Options to better control teardown activity** Because of the impact both on the environment and availability of lower-cost housing, we are concerned that many smaller houses are being demolished and replaced with larger houses. We encourage options that would reduce this activity through zoning and suggest considering how other nearby towns have been successful. Further, we support exploring establishing a revolving fund managed by the AHTF to buy and manage entry-level homes that are prime "tear-down" candidates and then renting them at a portion of the area median income. [IV.A.6]
- 7. **Deeply-affordable housing** We support the Needham Housing Authority Preservation and Redevelopment Initiative to upgrade all public housing conditions. [IV.B.1]
- 8. **Use of Community Preservation Act funds** We support committing 22% of CPA funds for creating and retaining affordable housing in Needham. We support targeting these funds for deeply affordable housing. [IV.B.3]
- 9. **Promote housing for special needs populations** We support integrating handicapped accessibility and supportive services into new development, which is helpful for seniors and residents with disabilities. [IV.B.4]
- 10. **Renovate/replace the Stephen Palmer Building** We support considering options to "maximize its reuse for affordable or moderate rate housing." [IV.B.5]

We are pleased with the comprehensive nature of the plan put forth by the Housing Plan Working Group. However, to ensure the plan is implemented, we suggest the following.

- 1. Consider hiring an affordable housing specialist with an understanding of federal and state funding opportunities to monitor implementation of the plan. In addition, this individual could oversee the Affordable Housing Trust Fund.
- 2. Consider using the data in your report to develop measurable guidelines for increasing housing at all affordability levels.

Thank you for the opportunity to provide comments. We appreciate the working group's efforts over the last several months to pull together this plan and advocate for improving Needham's housing conditions.

Sincerely,

Carol L. Patey, President

League of Women Voters of Needham

From: Robert Smart
To: Planning

Subject: Housing Plan Working Group

Date: Thursday, November 17, 2022 12:30:57 PM

Attachments: COPIER25020221117111948.pdf

Members of the Group:

To encourage multi-family housing along the business corridor which runs north-south through the center of town, the use tables in the zoning by-law may need to be revised, and on site and off site parking requirements revised. I am attaching to this email copies of at least some of the pages of the zoning by-law (copied from the green-colored 2020 booklet version) which address these issues. Comments:

- 1. Multifamily use is not allowed in the Business District, is not allowed for post-1982 structures in the CSB and CB Districts, is allowed only by special permit in pre-1982 structures in the CSB and CB Districts, and is allowed only by special permit in the ASB and HAB districts (page 36). Allowing more units of-right in these districts could be considered.
- 2. Developments with 5, 6 or more dwelling units require a special permit in several overlay districts (pages 80, 86, 94). Allowing more units of right could be considered.
- 3. The section on dimensional regulations for apartment districts (page 150-151) and the section on required parking (pages 176-178) do not address parking requirements for multifamily use at all (except see subsection 21 on page 178). The group may want to consider establishing a more comprehensive, in one place, regulation regarding parking requirements for multifamily uses across all districts where the same is allowed.
- 4. The prevailing standard is 1.5 parking spaces per unit (pages 82, 90, 94, 181) although in some instances this can be reduced for small affordable units to 1 space per unit (page 84). An across-the-board reduction to 1 space per unit could be considered. Generally, developers provide enough parking to make the units marketable, and prospective occupants who want to be able to park more than 1 car will simply go elsewhere for their housing.
- 5. The payment into a parking fund accommodation (pages 83, 85, 90) might be broadened to other districts.
- 6. The ability of developments to use off-site parking is severely limited. Shared parking arrangements in the Needham Center Overlay District are allowed, but only by special permit (pages 85, 90) and possibly elsewhere (page 91). Off-site parking is generally limited to lots in the same ownership within 300 feet (page 180). Expansion of off-site parking opportunities could be considered. A walking tour and analysis of parking usage in the public and private lots in the downtown, done by Moe Handel more than ten years ago, showed that many private lots are under-utilized. I suspect that this under-utilization continues. There are at least two obstacles here. First, off-site parking usage is severely limited under the by-law. Second, private lot owners with multiple parking spaces in the downtown, and their tenants, are restricted by the terms of special permits granted to the owners and to the tenants, which in many cases require an excessive parking supply to be maintained, based on application of the parking requirements for the various uses under by-law section 5.1.2 and other applicable sections.

Bob Smart

Robert T. Smart, Jr., Esq. 399 Chestnut Street Needham, MA 02492 T 781-444-9344 FX 781-449-0242 bob@robertsmart.net

RESIDENCE	<u>B</u>	CSB	<u>CB</u>	ASB	HAB	
Single-family detached dwelling	Y	N	N	Y	Y	
Planned residential development	N	N	N	SP	SP	
Residential compound	N	N	N	SP	SP	
Two-family detached dwelling	Y	N	N	Y	Y	
Conversion of a single-family dwelling to a two-family dwelling	N	N	N	Y	Y	
Apartment or multifamily dwelling *Allowed on second floor and in half-story	N	SP*	SP*	SP	SP	
directly above second floor only; consistent with density requirements for A-1		-				
The use of an owner-occupied structure for shared elderly housing for up to six elderly occupants (60+); provided, (1) that such structure so used shall not be subdivided into separate apartments, (2) that occupancies therein by non-owners occupants shall be pursuant to an agreement specifying a term of occupancy of not less than one year, (3) that at any time there shall be in the town no more than fifty structures for which permits have been issued under the authority of this section, (4) that no more than 20% of such structures shall be located in any one precinct of the town, and (5) that the number of structures for which permits are granted in any one year shall not exceed 5	SP*	N	N	SP	SP	
*Applies only to structures in existence prior to Dec. 31, 1982, otherwise N			į			
Boarding house with no arrangements of any description for private cooking or housekeeping	Y	N	N	Y	Y	

- (d) Mixed-use building, not exceeding five dwelling units per building, with dwelling units allowed above the ground floor only.
- (e) Accessory uses permitted as of right in the underlying district.

3.8.3.2 Special Permit Uses

The following uses are permitted in the Needham Center Overlay District only upon the issuance of a Special Permit by the Planning Board under such conditions as it may require:

- (a) Business uses allowed by special permit in the underlying district.
- (b) Mixed-use building containing six or more dwelling units, with dwelling units located on floors above the ground floor or on the ground floor, provided that:
 - (1) Entrances to ground-floor dwelling units are located on the side or rear of the building, not from any side facing the street, or the entrances may be from a first-floor lobby serving other uses in the building; and
 - (2) The ground floor of the front façade contains only retail or restaurant uses allowed as of right or by special permit.
- (c) Accessory uses permitted by special permit in the underlying district.

3.8.3.3 Multiple Buildings and Uses

In the Needham Center Overlay District, more than one use may be located on a lot as a matter of right and/or more than one building may be located on a lot by special permit, provided that each building and/or its use(s) are in compliance with the requirements of Section 3.8 of this By-Law.

3.8.3.4 Enclosed Parking

Enclosed parking in the Needham Center Overlay District shall conform to the requirements for the Center Business District in Section 4.4.6.

3.8.4 <u>Dimensional Regulations</u>

3.8.4.1 Lot Area, Frontage and Setback Requirements

The following lot area, frontage and setback requirements shall apply to development in the Needham Center Overlay District:

(a) Minimum Lot Area: 10,000 square feet.

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3.8.4.3 **Building Bulk and Other Requirements**

Except as provided in subsections (a) and (b) below, the maximum floor area ratio in the Needham Center Overlay District shall be the same standard that applies in the Center Business District under Section 4.4.2(b), except that the area of a building devoted to underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio. Buildings developed under the regulations of the Needham Center Overlay District shall not be subject to any other limitations on floor area ratio or building bulk in Section 4.4.2.

- (a) The Planning Board may grant a Special Permit to increase the maximum floor area ratio to 2.0 in Sub-Districts A and B, subject to the decision standards in Section 3.8.7.
- (b) The Planning Board may grant a Special Permit to increase the maximum floor area ratio to 3.0 in Sub-Districts A and B, subject to the decision standards in Section 3.8.7 and the following additional requirements:
 - (1) Off-street parking located on the site or provided through a shared agreement on another property within 1,000 feet of the site, in a form acceptable to the Planning Board, shall be required as a condition of special permit approval; and
 - (2) No waivers of minimum parking requirements or payment of fees in lieu of off-street parking spaces under Section 3.8.5 shall be allowed.

3.8.5 Off-Street Parking

Except as provided below, the off-street parking regulations in Section 5.1 and the regulations for enclosed parking in the Central Business District in Section 4.4.6 shall apply in the Needham Center Overlay District.

- (a) The minimum number of off-street parking spaces in Section 5.1.2 shall apply except as follows:
 - (1) For retail stores or services, there shall be one space per 300 square feet of floor area, except that no parking spaces shall be required for a retail establishment with less than eight hundred (800) square feet of floor area.
 - (2) For any building in which more than forty (40) percent of the usable floor area is located above the ground floor, the minimum number of off-street parking spaces for upper-story business uses shall be eighty (80) percent of the number of spaces that would be required under Section 5.1.2, except that this reduction shall not apply to medical, dental and related health services or clinics.
 - (3) For dwelling units in a mixed-use building, the minimum number of off-street parking spaces shall be one and one-half spaces per dwelling unit except as provided in Section 3.8.6(h).

- (b) In addition to the requirement for bicycle racks under Section 5.1.3(n), for a mixed-use building, bicycle racks facilitating locking shall be provided to accommodate one bicycle for every two (2) dwelling units.
- (c) Except as provided in Section 3.8.4.3(b)(2) above, the Planning Board may grant a Special Permit to waive the requirements of Section 5.1.2 or Section 5.1.3, or the requirements of subsection (a) above, if a proposed development satisfies the conditions set forth in Section 5.1.1.6 and Section 3.8.5.1.

3.8.5.1 Needham Center Off-Street Parking Fund

- (a) A Special Permit may be granted to allow payment of a fee in lieu of the minimum number of off-street parking spaces required under this Section, if the Planning Board determines that:
 - (1) The applicant has reasonably demonstrated that it is uneconomic to accommodate all of the required parking spaces on the lot, given the area and shape of the lot, or under the building, given the size of the project;
 - (2) The applicant has reasonably demonstrated that it is infeasible to accommodate the required number of parking spaces through a combination of on-site parking and shared parking with an adjoining property; and
 - (3) The project has been designed to the extent feasible to reduce the required number of off-street parking spaces, e.g., by the inclusion of space for retail establishments with less than 800 sq. ft. of floor area, or a multi-story building with upper-story uses that qualify for reduced parking, as provided under Section 3.8.5(a).
- (b) The fee shall be computed on a per-space basis and paid into a special revenue fund known as the Needham Center Off-Street Parking Fund, to be used solely for the purpose of providing shared or public parking benefiting uses within the area covered by the Needham Center Development Plan.
- (c) The fee shall be determined by the Planning Board in accordance with the Needham Center Development Plan or the Town of Needham Capital Improvements Plan, as applicable, and paid by the applicant in two installments: one-half prior to the receipt of a building permit and one-half prior to receipt of a certificate of occupancy, unless the applicant chooses to pay the entire fee prior to receipt of a building permit.

3.8.6 Affordable Housing

Any mixed-use building with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of this By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) The floor area of the affordable units shall not be counted for purposes of determining the maximum floor area permitted under Section 3.8.4.3.
- (b) For a development with not more than ten dwelling units, at least one unit shall be an affordable unit; and for a development with eleven or more dwelling units, at least ten percent shall be affordable units. In the instance of a fraction, the fraction shall be rounded up to the nearest whole number.
- (c) If the applicant provides at least one-half of the affordable units for households with incomes at or below fifty (50) percent of area median income, the remaining affordable units may be sold or rented to households with incomes up to 100 percent of area median income even if the latter units are not eligible for the Subsidized Housing Inventory, regardless of any requirements to the contrary set forth in Section 1.3.
- (d) Affordable units shall be dispersed within the building and not concentrated in one area or on one floor. They shall generally be comparable in size and energy efficiency to the development's market-rate units.
- (e) The affordable units shall be constructed in proportion to the number of market-rate units in the development. Proportionality shall be determined by the number of building permits or certificates of occupancy issued for the affordable units and market-rate units, as applicable, or otherwise in accordance with a schedule set by the Planning Board in conditions imposed on the Special Permit.
- (f) The selection of eligible homebuyers or renters for the affordable units shall be in accordance with a marketing plan approved by the Needham Planning Board prior to the issuance of any building permits for the development.
- (g) The affordable units shall be subject to an affordable housing restriction as defined in Section 1.3 of this By-Law with limitations on use, occupancy, resale prices or rents, as applicable, and which provides for periodic monitoring for compliance with the requirements of said restriction.
- (h) For affordable units with not more than one bedroom, the minimum number of parking spaces under section 3.8.5 shall be reduced to one space per unit.

3.8.7 Site Plan Review

For any project seeking a Special Permit under Sections 3.8.4.1, 3.8.4.2, or 3.8.4.3, or for any project proceeding under these overlay district provisions which also constitutes a Major Project under Section 7.4.2, the Planning Board shall consider, in addition to the factors set forth in Section 7.4.6, the following criteria:

(a) The adequacy of existing facilities to serve the proposed development, including but not limited to water supply, sewer, natural gas and electric service;

- (b) The degree to which the proposed project, viewed in its entirety, will make a significant contribution to the urban design and economic development goals set forth in the Needham Center Development Plan;
- (c) The degree to which the proposed project is consistent with the purposes of the Needham Center Overlay District and conforms to the Design Guidelines in Section 3.8.8;
- (d) The degree to which the applicant's proposal has been designed to reduce or mitigate adverse impacts on adjacent properties or the surrounding area such as those resulting from excessive traffic congestion or excessive demand for parking;
- (e) For applications involving an increase in building height or bulk by special permit, the degree to which the applicant has reasonably demonstrated that the additional height or floor area is desirable for the redevelopment of the site, considering the site's location and physical characteristics and the condition of existing improvements;
- (f) The degree to which the proposed project incorporates as many green building standards as practical, given the type of building and proposed uses;
- (g) The degree to which the proposed project provides a significant public benefit through its inclusion of at least one of the following:
 - (1) Affordable housing units;
 - (2) Use of one or more renewable energy sources in the operation of the project,
 - (3) Off-street parking sufficient to accommodate the proposed uses, located on the site or provided through a shared parking arrangement acceptable to the Planning Board; or through payment of fees in lieu of off-street parking spaces except where such payment of fees is not allowed for a Special Permit under Section 3.8.4.3(b).

3.8.8 Design Guidelines

The Design Guidelines for the Needham Center Overlay District shall be as adopted by the Planning Board and available on file in the Needham Planning Department.

3.9 Lower Chestnut Street Overlay District

3.9.1 Purposes of District

The purposes of the Lower Chestnut Street Overlay District are to encourage redevelopment of existing properties in a manner that brings buildings close to the street, with landscaping and layouts and designs of sites and buildings conducive to pedestrian use; to reorganize and consolidate curb cuts through appropriate access management controls; and to create opportunities for Chestnut Street to serve as an attractive, safe, pedestrian-friendly street, substantially as set forth in the Needham Center Development Plan dated March 30, 2009. Toward these ends, development in the Lower Chestnut Street Overlay District shall be permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the design guidelines and all other requirements of this Section.

3.9.2 Scope of Authority

In the Lower Chestnut Street District, all requirements of the underlying district shall remain in effect except where these regulations provide an alternative to such requirements, in which case these regulations shall supersede. In the event that a proponent wishes to develop in accordance with the regulations hereunder, the rules and regulations of the Lower Chestnut Street Overlay District shall apply, and by filing an application for a Special Permit, site plan review or building permit under this Section 3.9, the owner shall be deemed to accept and agree to them. In such event, where the provisions of the Lower Chestnut Street Overlay District are silent on a zoning regulation that applies in the underlying district, the requirements of the underlying district shall apply.

If the proponent elects to proceed under the zoning provisions of the underlying district, the zoning bylaws applicable in the underlying district shall control and the provisions of the Lower Chestnut Street Overlay District shall not apply.

3.9.3 <u>Use Regulations</u>

3.9.3.1 Permitted Uses

The following uses are permitted in the Lower Chestnut Street Overlay District as a matter of right:

- (a) Uses exempt from local zoning control under M.G.L. c.40A, s. 3.
- (b) All uses permitted as of right in the underlying district.
- (c) Mixed-use building, not exceeding five dwelling units per building, with dwelling units allowed above the ground floor only.
- (d) Accessory uses permitted as of right in the underlying district.

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3.9.3.2 Special Permit Uses

The following uses are permitted in the Lower Chestnut Street Overlay District only upon the issuance of a Special Permit by the Planning Board under such conditions as it may require:

- (a) Business uses allowed by special permit in the underlying district, <u>excluding</u> an automobile service station.
- (b) Mixed-use building containing six or more dwelling units in a building, with dwelling units located on floors above the ground floor or on the ground floor, provided that:
 - (1) Entrances to ground-floor dwelling units are located on the side or rear of the building, not from any side facing the street, or the entrances may be from a first-floor lobby serving other uses in the building; and
 - (2) The ground floor of the front façade contains only retail, restaurant or office uses allowed by right or by special permit.
- (c) Mixed-use development, provided that at least sixty (60) percent of the front side of the lot facing Chestnut Street, measured in percentage of linear feet of frontage, shall be occupied by a building or buildings located within twenty (20) feet of the street line, said building(s) to contain permitted business uses and which may contain upper-story dwelling units. Free-standing multi-family dwelling(s) associated with a mixed-use development shall be located toward the rear of the site and be connected to building(s) facing the street by means of landscaped walkways or a courtyard.
- (d) Accessory uses permitted by special permit in the underlying district.

3.9.3.3. Multiple Buildings and Uses

In the Lower Chestnut Street Overlay District, more than one use may be located on a lot as a matter of right and/or more than one building may be located on a lot by special permit, provided that each building and/or its use(s) are in compliance with the requirements of Section 3.9 of this By-Law.

3.9.3.4 Special Permit, Parking Garage

The Planning Board may issue a Special Permit for a parking garage or parking structure for more than three (3) vehicles, including both enclosed and open structures, above and below ground, serving uses within the area covered by the Downtown Development Plan, where the parking garage or structure is located within 1,000 feet of the uses it serves, subject to such setback requirements as the Planning Board may impose.

of three stories and thirty-seven feet or four stories and forty-eight (48) feet, provided that the fourth story is located under a pitched roof or recessed from the face of the building, as shown in the Design Guidelines under Section 3.9.8 below.

Buildings in the Lower Chestnut Street Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Section 4.4.3.

3.9.4.3 Building Bulk and Other Requirements

The maximum floor area ratio in the Lower Chestnut Street Overlay District shall be 0.70, except that for lots having the required minimum frontage on Chestnut Street, the Planning Board may grant a Special Permit to increase the maximum floor area ratio as provided in subsections (a) and (b) below. The area of a building devoted to underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio under this section. Uses in the Lower Chestnut Street Overlay District shall not be subject to any other limitations on floor area ratio or building bulk such as those contained in Section 4.4.2.

- (a) The Planning Board may grant a Special Permit to increase the maximum floor area ratio to 1.5, subject to the decision standards in Section 3.9.7.
- (b) The Planning Board may grant a Special Permit to increase the maximum floor area ratio to 2.0, subject to the decision standards in Section 3.9.7 and the following additional requirements:
 - (1) Off-street parking located on the site or provided through a shared agreement on another property within 1,000 feet of the site, in a form acceptable to the Planning Board, shall be required as a condition of special permit approval; and
 - (2) No waivers of minimum parking requirements or payment of fees in lieu of off-street parking spaces under Section 3.9.5 shall be allowed.

Off-Street Parking 3.9.5

Except as provided below, the off-street parking regulations in Section 5.1 shall apply in the Lower Chestnut Street Overlay District.

- (a) The minimum number of off-street parking spaces in Section 5.1.2 shall apply except as follows:
 - (1) For any building in which more than forty (40) percent of the usable floor area is located above the ground floor, the minimum number of off-street parking spaces for upper-story business uses shall be eighty (80) percent of the number of spaces that would be required under Section 5.1.2, except that this reduction shall not apply to medical, dental and related health services or clinics.

- (2) For dwelling units in a mixed-use building or mixed-use development, the minimum number of off-street parking spaces shall be one and one-half spaces per dwelling
- (b) In addition to the requirement for bicycle racks under Section 5.1.3(n), for a mixed-use building or mixed-use development, bicycle racks facilitating locking shall be provided to accommodate one bicycle for every two (2) dwelling units.

3.9.5.1 Needham Center Off-Street Parking Fund

- (a) A Special Permit may be granted to allow payment of a fee in lieu of the minimum number of off-street parking spaces required under this Section, if the Planning Board determines that:
 - (1) The applicant has reasonably demonstrated that it is uneconomic to accommodate all of the required parking spaces on the lot, given the area and shape of the lot, or under the building, given the size of the project;
 - (2) The applicant has reasonably demonstrated that it is not feasible to accommodate the required number of parking spaces through a combination of on-site parking and shared parking with an adjoining property; and
 - (3) The project has been designed to the extent feasible to reduce the required number of off-street parking spaces, e.g., a multi-story building with upper-story uses that qualify for reduced parking, as provided under Section 3.9.5(a).
 - (b) The fee shall be computed on a per-space basis and paid into a special revenue fund known as the Needham Center Off-Street Parking Fund, to be used solely for the purpose of providing shared or public parking benefiting uses within the area covered by the Downtown Needham Development Plan.
 - (c) The fee shall be determined by the Planning Board in accordance with the Needham Center Development Plan or the Town of Needham Capital Improvements Plan, as applicable, and paid by the applicant in two installments: one-half prior to the receipt of a building permit and one-half prior to receipt of a certificate of occupancy, unless the applicant chooses to pay the entire fee prior to receipt of a building permit.

Affordable Housing

Mixed-use buildings or mixed-use developments with six or more dwelling units shall 3.9.6 include affordable housing units as defined in Section 1.3 of this By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) The floor area of the affordable units shall not be counted for purposes of determining the maximum floor area permitted under Section 3.9.4.3.
- (b) All other requirements of Section 3.8.6 shall apply.

3.9.7 Site Plan Review

For any project seeking a Special Permit under Sections 3.9.4.1, 3.9.4.2 or 3.9.4.3, or for any project proceeding under these overlay district provisions which also constitutes a Major Project under Section 7.4.2, the Planning Board shall consider, in addition to the factors set forth in Section 7.4.6, the following review criteria:

- (a) The adequacy of existing facilities to serve the proposed development, including but not limited to water supply, sewer, natural gas and electric service;
- (b) The degree to which the proposed project, viewed in its entirety, will make a significant contribution to the urban design and economic development goals set forth in the Needham Center Development Plan;
- (c) The degree to which the proposed project is consistent with the purposes of the Lower Chestnut Street Overlay District and conforms to the Design Guidelines under Section 3.9.8;
- (d) The degree to which the applicant's proposal has been designed to reduce or mitigate adverse impacts on adjacent properties or the surrounding area such as those resulting from excessive traffic congestion or excessive demand for parking;
- (e) For applications involving an increase in building height or bulk by special permit, the degree to which the applicant has reasonably demonstrated that the additional height or floor area is desirable to redevelopment of the site, considering the site's location and physical characteristics and the condition of existing improvements;
- (f) The degree to which the proposed project incorporates as many green building standards as practical, given the type of building and proposed uses;
- (g) The degree to which the proposed project provides a significant public benefit through its inclusion of at least one of the following:
 - (1) Affordable housing units;
 - (2) Use of one or more renewable energy sources in the operation of the project;
 - (3) Off-street parking sufficient to accommodate the proposed uses, located on the site or provided through a shared parking arrangement acceptable to the Planning Board; or provided through payment of fees in lieu of off-street parking spaces except where such payment of fees is not allowed for a Special Permit under Section 3.9.4.3(b).

3.9.8 Design Guidelines

The Design Guidelines for the Lower Chestnut Street Overlay District shall be as adopted by the Planning Board and available on file in the Needham Planning Department.

3.10.5 Off-Street Parking

The off-street parking regulations that apply in the Lower Chestnut Street Overlay District shall also apply in the Garden Street Overlay District.

3.10.6 Affordable Housing

Any building or combination of buildings with six or more dwelling units on the lot shall include affordable housing units as defined in Section 1.3 of this By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) The floor area of the affordable units shall not be counted for purposes of determining the maximum floor area permitted under Section 3.10.4.3.
- (b) All other requirements of Section 3.8.6 shall apply.

3.10.7 Site Plan Review

For any project seeking a Special Permit under Section 3.10.4.2 or Section 3.10.4.3, or for any project proceeding under these overlay district provisions which also constitutes a Major Project under Section 7.4.2, the Planning Board shall consider, in addition to the factors set forth in Section 7.4.6, the following review criteria:

- (a) The adequacy of existing facilities to serve the proposed development, including but not limited to water supply, sewer, natural gas and electric service;
- (b) The degree to which the proposed project, viewed in its entirety, will make a significant contribution to the urban design and economic development goals set forth in the Needham Center Development Plan;
- (c) The degree to which the proposed project is consistent with the purposes of the Garden Street Overlay District and conforms to the Design Guidelines under Section 3.10.8;
- (d) The degree to which the applicant's proposal has been designed to reduce or mitigate adverse impacts on adjacent properties or the surrounding area such as those resulting from excessive traffic congestion or excessive demand for parking;
- (e) For applications involving an increase in building height or bulk by special permit, the degree to which the applicant has reasonably demonstrated that the additional height or floor area is desirable for redevelopment of the site, considering the site's location and physical characteristics and the condition of existing improvements;
- (f) The degree to which the proposed project incorporates as many green building standards as practical, given the type of building and proposed uses;

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Dimensional Regulations for Apartment Districts

4.3.1 Table of Regulations

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No apartment or multi-family building or group of buildings shall be constructed, altered or relocated on any lot except in conformance with these regulations:

	Min. Lot Area (sf)	Min. Frontage (ft)	Max. Dwelling Units (Per Acre)**	Max. FAR	Min. Setbacks (ft) Front/Side/Rear	Max. Height* (ft)
A -1	20,000	120	18	0.5	25/20/20	3 Stories-40
A-2	43,560	150	8	0.3	40/40/40	3 Stories-40
A-3	43,560	150	4	0.3	40/40/40	2-1/2 Stories-35

^{*} No more than three (3) floors to be used for human occupancy. See height limitation exceptions in Section 4.7.2. Provided further, however, in the Apartment-2 Zoning District, there shall be a maximum of 4 stories, a maximum height of 50 feet, and four (4) floors may be used for human occupancy, if (i) the structure or portion of the structure that is four stories and permitted to be used for human occupancy is utilized as a convalescent or nursing home and uses that are supportive and/or accessory to such convalescent or nursing home, and (ii) the height of the structure that exceeds 40 feet is utilized as a convalescent or nursing home and supportive and/or accessory uses thereto provided further that the maximum square footage of the structure or structures benefitting from the provisions of this section shall be limited to 110,000 square feet. If a structure contains two or more uses, then only that portion of the structure that is utilized as a convalescent or nursing home, and supportive and/or accessory uses thereto, can reach a maximum height of 50 feet.

4.3.2 **Driveway Openings**

(a) In that portion of a lot between an apartment house or houses and the exterior line of any way upon which the lot abuts, there may be opened not more than two (2) driveway openings onto each such way. Said driveway openings shall not exceed twenty-five (25) feet in width and shall not be less than 150 feet from another such opening or within 50 feet of each other if the driveway openings do not exceed fifteen (15) feet in width. In no event shall a driveway opening be within fifty (50) feet from the sideline of an intersecting way. When there are

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^{**} The total area used in calculating density shall exclude 100% of all water bodies; 70% of land located in a Flood Plain District; and 70% of land subject to M.G.L., Ch. 131, S. 40 and S. 40A, and to federal flood storage restrictions included within the Charles River Valley Storage Project.

two (2) driveways of varying widths, the required distance between them will be governed by the driveway with the greatest width.

- (b) In order to preserve the residential character of the Town, an additional driveway opening may be provided if the following conditions are met:
 - (1) The lot area shall have a minimum of two acres:
 - (2) Such additional openings shall not exceed fifteen (15) feet in width, with the distance between to be recommended by the Planning Board through its Site Plan Review, as per Section 7.4 of this By-Law;
 - (3) Such additional openings shall not serve more than four (4) parking spaces, including garages;
 - (4) The total number of openings on any given way shall not exceed the quotient of the total lot frontage on such way divided by 1-3/4 of the required lot frontage in that density zone.

4.3.3 Open Space

Except for driveways and walks, the front setback area shall be kept open and in lawn or landscaped, unparked on and unbuilt upon. The area between a lot line and a line five (5) feet from and parallel thereto shall be kept open and in lawn or landscape, unparked on and unbuilt upon.

4.3.4 Building Location

No part of a building or structure shall be located less than twenty (20) feet from any part of any other building or structure on the same lot, provided, however, that (a) any apartment house or other building used for dwelling purposes and permitted in that apartment district may be connected by a covered walkway, corridor, or breeze way to (i) any other apartment house or other such building on the same lot or (ii) any garage on the same lot permitted as an accessory use to the building to which it is so connected, and (b) at least seventy-five (75) percent of the perimeter of each building so connected to another building be accessible.

4.3.5 Setbacks for Other Uses

Front, side, and rear line setbacks for any permitted building or structure, other than an apartment house (or a structure accessory thereto), shall be the same as required in Sections 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6, 4.2.7 and 4.7.1 and 4.7.3.

5.1.2 Required Parking

1) Theater, gymnasium, auditorium or similar place of public assembly indoor or out-door with seating facilities

2) Medical, dental and related health service structures or clinics

3) Hospital

4) Nursing home or a residential care institution or facility

- 5) Boarding house, dormitory, fraternity
- 6) Retail or wholesale stores or services
- 7) Offices, office buildings, and banks
- 8) Hotel or motel
- 9) Restaurant
- 10) Laundry or Laudromat
- 11) Bowling alley, tennis or racquet ball court

Number of Off-Street Parking Spaces

One space per three seats of total seating capacity

One space per 200 square feet of floor area

One space for each two beds plus one space for each two employees on the largest shift, plus one space for each three seats in a place of public assembly (if available)

One space for every two beds plus one space for each two employees on the largest shift

One space per rental or sleeping unit. Any bedroom or group of two beds in a single room constitutes a sleeping unit

One space per 300 square feet of floor area

One space per 300 square feet of floor area

One space for each sleeping unit plus one space for each 200 square feet of function or conference area, plus one space for each three employees on the largest shift

One space per 3 seats plus ten spaces per take-out service station

One space per 300 square feet of floor area

Four spaces per alley or court

- 12) Colleges, vocational and high schools excluding boarding and office facilities which shall be computed separately in accordance with this section
- 13) Research facilities, laboratories and company offices not open to the public
- 14) Warehouses, excluding retail and/or wholesale, on site sales and office space which shall be computed separately
- 15) Automotive and truck service, and related repair, including body repair
- 16) Automobile and truck sales and lease
- 17) Manufacturing or industrial establishment
- 18) Indoor Athletic or Exercise Facility or Personal Fitness Service Establishment

One half of the design or expected enrollment

One space per 300 square feet of floor area. Occupancy by a single tenant of more than 50,000 square feet of floor area shall provide one space per 300 square feet floor area for the first 50,000 square feet and one space per 400 square feet of floor area in excess of 50,000 square feet

One space per 850 square feet floor area or one space per every two warehouse employees on the largest shift, whichever is greater

One space for employees and guests per 250 square feet of floor area

One space for employees and guests per 250 square feet of floor area

One space per 400 square feet of floor area or one per two employees on the largest shift, whichever is greater

One space for each 150 square feet or fraction thereof of gross floor area and one space for each three employees to be employed or anticipated to be employed on the largest shift. Not withstanding the above, in circumstances where facility size is known and occupancy and parking demand will be controlled by the method of operation, the Planning Board may reduce the number of parking spaces required for a personal fitness service establishment to one parking space per employee and visitor

present on the site at any one time during the peak usage period

One (1) parking space per 290 square feet of floor area

Sum of various uses computed separately

Closest similar use as shall be determined by the Building Inspector

19) Medical Facility, Pediatric

20) Mixed uses

21) Any use permitted by this Zoning By-Law

In the event that the Building Inspector is unable to determine if a particular use relates to any use within the table of 'Required Parking' (Section 5.1.2), the Planning Board shall recommend to the Building Inspector a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests, or employees of the proposed business, with said recommendations based on the ITE Parking Generation Manual, 2nd Edition, or an alternative technical source determined by the Planning Board to be equally or more applicable.

For purposes of this Section, "floor area" shall mean the sum, in square feet, of all horizontal areas of all floors of a building or several buildings on the same lot measured from the exterior face of exterior walls, or for office buildings from the center line of the glass exterior windows or party wall separating two buildings.

5.1.3 Parking Plan and Design Requirements

All parking areas shall be shown on a plan prepared by a Massachusetts Registered Architect, Landscape Architect, Professional Civil Engineer and/or Land Surveyor indicating the layout of the parking area including access, setbacks, dimensions of typical spaces, location of the trees and other landscaped areas, any proposed lighting, and provisions for surface drainage. Such plan shall be reviewed by the Building Inspector prior to the issuance of a special permit or building permit and shall conform to the following design requirements.

- (a) Parking Lot Illumination All parking areas which are proposed to be illuminated shall provide an illumination level of an average of one foot candle. All illumination shall be shielded so as not to shine directly onto a public or private way or onto any property in a residential district.
- (b) Loading Requirements Adequate off-street loading facilities and space with unimpeded access shall be provided for all new construction and for all building additions greater than 100 square feet of floor area. Facilities shall be so sized and arranged that no trucks shall be parked on a public way while loading, unloading, or waiting to do so.

whichever is greater. The required width of all maneuvering aisles shall not be reduced by obstructions, including, but not limited to, light poles and columns.

- minimum of ten (10) feet from a front lot line or street right-of-way line; except, however, that such setback shall be twenty (20) feet in a Business or Industrial District, if the conditions set forth in Subsection 4.4.4 or 4.5.2 of this By-Law apply. Such parking setback shall also be twenty (20) feet in an Industrial-1 District. Parking spaces, maneuvering aisles and driveways shall be set back a minimum of four (4) feet from the rear and side lot lines. Except in an enclosed structure or in an unenclosed parking facility beneath a structure, no parking space, maneuvering aisle or driveway shall be located within five (5) feet of a building line at the first floor.
- (k) <u>Landscaped Areas</u> Setback areas required under the above paragraph (j) shall be maintained as landscaped areas, except where driveway openings or sidewalks occur. Landscaped areas shall include trees, shrubs, flowers and grass. Planting beds shall be at least 4 feet wide. In any parking area requiring 10 or more spaces, ten (10) percent or more of such area shall be maintained as landscaped area. In parking areas requiring 20 or more spaces, a minimum of one-quarter of this amount shall be located in the interior of the parking area. Required landscape setback areas shall count towards the minimum ten percent requirement; provided, however, that the interior landscaped area requirement shall be met.
- (1) Trees For all parking areas requiring 10 or more spaces, trees shall be required. One tree shall be provided for every 10 spaces or a fraction thereof. Such trees shall be located within or around the parking area so as to screen and soften the visual impact of parked vehicles as much as possible. They shall be at least 2" trunk diameter, with not less than 40 square feet of unpaved soil or other permeable surface area per tree. Planting beds shall be at least 4 feet wide.
- (m) Location Off-street parking required by this Section shall be located on either the same lot as the principal use or uses or on a lot within 300 feet which is under the same ownership. In the Avery Square Business District, required parking for non-residential uses shall be either on the same premises as the activity it serves, or on a separate parcel, which may be shared with other uses, if the parcel is located within five hundred (500) feet (800 feet for employees) walking distance of the building entrance to be served, is located in a zoning district permitting or allowing on special permit the activity it serves, and is permanently committed to serving the use involved. In the Avery Square Business District, no parking shall be located within 10 feet of a street line.
- (n) <u>Bicycle Racks</u> For parking areas of forty or more spaces, bicycle racks facilitating locking shall be provided to accommodate one bicycle per twenty parking spaces required, or fraction thereof.

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5.1.4 Off-Street Parking Requirements for Multi-Family Structures

On any lot upon which a multi-family structure (three or more dwelling units) is placed, built, or reconstructed, there shall be provided for each dwelling unit in all buildings on the lot not less than one and one-half (1-1/2), paved and readily accessible, off-street automobile parking spaces, covered or open, if the lot is in an Apartment District. In the event a multi-family structure is reserved for special occupancies such as the handicapped or elderly, the Board of Appeals may authorize a smaller number of spaces by special permit.

5.1.5 Applicability for Parking Structures

Parking facilities provided in an enclosed structure shall be subject to the provisions of this Section 5.1, except for the Subsections 5.1.3.k) and 1). Unenclosed parking facilities beneath a structure shall be subject to the provisions of this Section, except for Subsection 5.1.3.l), and such parking level shall be deemed to be a story when its ceiling is four feet six inches or more above finished grade. Nothing contained herein shall exempt any parking structure from the requirements of the State Building Code or the applicable C.M.R.

5.1.6 Maintenance

Parking areas shall be kept clean, plowed and free from rubbish, debris and snow. All plant materials shall be maintained in a healthy condition and, whenever necessary, shall be replaced with new plant materials to insure continued compliance with landscaping requirements. All fences, barriers and walls shall be maintained in good repair and whenever necessary, shall be replaced. Whenever necessary, the surfacing, lighting and markings shall be repaired or replaced.

5.2 Earth Removal

The removal or relocation of any earth materials, including but not limited to sod, loam, sand, gravel, and stone, is hereby prohibited except in the following instances:

- (a) For the construction of building foundations or other allowable structures for which building permits have been issued.
- (b) For the construction of streets and the installation of utilities in a subdivision as approved by the Planning Board under General Laws, Chapter 41 and the Subdivision Regulations and Procedural Rules of the Planning Board.
- (c) For regrading a lot, tract, or parcel within the limits of that lot, tract, or parcel under one common ownership located totally within the Town of Needham.
- (d) For engineering works by a government agency.